S.B.Cr.Misc. Bail App. No.4806/2007
(Raj Mohan Vs. State)

Date of order : 27th September, 2007.

HON'BLE MR.H.R.PANWAR, J.

Mr. Sandeep Mehta for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by learned counsel for the petitioner that it was petitioner who is in possession of the plot in question under the agreement to sell and a sum of Rs. 40 lac has been paid through cheque to the complainant at the time of transaction. He submits that from perusal of the order impugned, it appears that the court below has noticed that there is civil suit pending regarding subject matter of the dispute. Learned counsel has shown me a copy of the civil suit filed by the petitioner against Smt. Vidhya Devi at Chittorgarh being Civil Original Case No.30/2007. From the pleadings and averment made by the petitioner in the civil suit, it is clear that a sum of Rs.40 lac has been paid by the petitioner by cheque No.402503 of SBBJ Branch, Chittorgarh to Smt. Vidhya Devi.

Be that as it may, without commenting on the merit of the case and the fact that the parties have resorted to the civil court and a suit for specific performance is filed by the petitioner against the

complainant, I consider it just and and proper to grant anticipatory bail to the petitioner.

Accordingly, the bail application filed by the petitioner under Section 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Rajmohan s/o Manmohan in FIR No.682/2007 Police Station, Chittorgarh, District Chittorgarh, he shall be released on bail for a period till the police concludes the investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- along with one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following order :

(i) That he shall make himself available for interrogation by a police officer as and when required;

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii) That he shall not leave India without the previous permission of the Court.

The petitioner shall surrender before the trial court on the date of filing of the challan.

(H.R.PANWAR), J.

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